

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ARA-16 EUR-25 EA-11 NEA-10 IO-13 ADP-00

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

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AMCONSUL HONGKONG

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AMEMBASSY YOUNDE

AMEMBASSY SINGAPORE

AMEMBASSY DAR ES SALAAM

AMEMBASSY MADRID

AMEMBASSY JAKARTA

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E.O. 11652:

TAGS: PBOR, UN

SUBJ: LOS: SEABED MEETING, SUBCOMMITTEE II,

JULY 19, 1973

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1. SUMMARY. TWO MEETINGS OF SUBCOMTE II ALMOST ENTIRELY DEVOTED TO EXPLANATIONS OF DRAFT ARTICLES RECENTLY INTRODUCED. PROPOSALS INCLUDED ITALIAN FREE TRANSIT ARTICLE, CHINESE (PRC) WORKING PAPER ON TERRITORIAL SEA AND ECONOMIC ZONE, DRAFT ARTICLES ON FISHERIES BY 6 CO-SPONSORS, DRAFT ARTICLES ON EXCLUSIVE ECONOMIC ZONE BASED ON OAU DECLARATION AND LAND-LOCKED/DISADVANTAGED STATE PROPOSAL ON COASTAL STATE RESOURCE JURISDICTION.

2. ITALY INTRODUCED DRAFT ARTICLE ON STRAITS. (A/AC.138/SC.II/L.30). ARTICLE BASICALLY PROVIDES FOR FREE TRANSIT THROUGH OR OVER STRAITS CONNECTING TWO PARTS OF HIGH SEAS OR CONNECTING PART OF HIGH SEAS WITH TERRITORIAL SEA OF FOREIGN STATE. HOWEVER, INNOCENT PASSAGE WOULD APPLY TO STRAITS LESS THAN SIX MILES WIDE, LYING BETWEEN COASTS OF SAME STATE AND NEAR OTHER ROUTES OF COMMUNICATION. REP POINTED OUT THAT FREE TRANSIT WAS VITAL TO COUNTRIES BORDERING ON SEMI-ENCLOSED SEAS. ON ANOTHER TOPIC, REP STRESSED THAT MEDIAN LINE SHOULD BE GENERAL RULE AS ISLANDS ENTITLED TO TERRITORIAL SEA.

3. URUGUAY REPEATED POSITION ON PLURALITY OF REGIMES IN INTRODUCING DRAFT ARTICLES ON TERRITORIAL SEA. (A/AC.138/SC.II/L.24). IN FIRST PORTION OF SPEECH REP STRESSED NECESSITY FOR RESIDUAL SOVEREIGNTY IN COASTAL STATE OUT OF 200-MILE TERRITORIAL SEA LIMIT. IN SECOND PORTION, REP INDICATED THAT DUAL REGIME COULD EXIST WITH AREA FROM COAST TO 12 MILES HAVING INNOCENT PASSAGE AND AREA FROM 12-200 HAVING FREE NAVIGATION WITHOUT RESTRICTIONS EXCEPT THOSE RELATING TO STATE'S INTERESTS IN SECURITY, MARINE POLLUTION, SCIENTIFIC RESEARCH, AND SECURITY OF AIR TRAFFIC IN ACCORDANCE WITH INTERNATIONAL LAW. REP STATED URUGUAY NOT TIED TO PARTICULAR LABELS AND WAS WILLING TO TAKE FLEXIBLE APPROACH TO REACH PRAGMATIC SOLUTION.

4. ARGENTINA DISCUSSED ITS DRAFT ARTICLES (A/AC. 138/
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SC.II/L.37) WHICH PROVIDE FOR 12-MILE TERRITORIAL SEA AND SOVEREIGN RIGHTS OVER RENEWABLE AND NON-RENEWABLE RESOURCES OUT TO 200 MILES, OR IN CASE OF CONTINENTAL SHELF, TO WHERE WATER DEPTH AVERAGES 200 METERS. IN 12-200 MILE/200 METER AREA, FREEDOM OF NAVIGATION AND OVERFLIGHT WOULD EXIST WITHOUT RESTRICTIONS EXCEPT THOSE RELATING TO COASTAL STATE RIGHTS REGARDING RESOURCES, MARINE POLLUTION AND SCIENTIFIC RESEARCH.

IN STATEMENT, REP ARGUED IN FAVOR OF NATURAL PRO-
LONGATION THEORY FOR CONTINENTAL SHELF ENTITLEMENT--
POSSIBLE GOING TO LOWER BORDER OF CONTINENTAL MARGIN.
HE MADE SPECIAL POINT OF FACT THAT FISHERIES JURIS-
DICTION AND SEABED JURISDICTION WERE SEPARATE
(THEREBY DIFFERING WITH URUGUAYAN POSITION) AND
STATED THAT RECOGNITION OF ACQUIRED RIGHTS UNDER
INTERNATIONAL LAW WAS NECESSARY FOR POLITICAL
AGREEMENT.

5. TURKISH REP WITH TUNISIA AS CO-SPONSOR,
INTRODUCED AMENDMENT TO SANTO DOMINGO ARTICLES TO
TAKE OUT CONTINENTAL SHELF ENTITLEMENT FOR ISLANDS.
REP NOTED THAT THEY WERE NOT AGAINST GENERAL RULES
FOR ISLANDS BUT FELT SPECIAL CIRCUMSTANCES SHOULD BE
CONSIDERED.

6 CHINESE REP SPOKE ON WORKING PAPER ENTITLED "SEA
AREA WITHIN LIMITS OF NATIONAL JURISDICTION" (A/AC.138/
SC.II/L.34). PAPER PROVIDES THAT COASTAL STATE IS TO
DETERMINE TERRITORIAL SEA BREADTH TAKING INTO ACCOUNT
VARIOUS FACTORS. INNOCENT PASSAGE PROVIDED IN TERRI-
TORIAL SEA FOR FOREIGN NON-MILITARY VESSELS. EXCLUSIVE
ECONOMIC ZONE OR EXCLUSIVE FISHING ZONE MAY BE ESTAB-
LISHED UP TO MAXIMUM OF 200 MILES. CONTINENTAL SHELF
IS NATURAL PROLONGATION OF CONTINENTAL TERRITORY BUT
SUPERJACENT WATERS ABOVE SHELF BEYOND TERRITORIAL SEA
OR ECONOMIC OR FISHERY ZONE ARE NOT SUBJECT TO JURIS-
DICTION OF COASTAL STATE. REP CHASTIZED "SUPERPOWERS"
FOR ATTEMPTING TO DOMINATE DEVELOPING COUNTRIES.
HOWEVER, REMARKS WERE LARGELY DIRECTED AT SOVIET
PROPOSAL FOR OUTER CONTINENTAL SHELF LIMIT OF EITHER
200 MILES OR 500 METERS. CHINESE REP ASSERTED THAT
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500 METERS WOULD GIVE RUSSIANS AREAS EXTENDING FOR
700 TO 1000 MILES.

7. KENYA REP SPOKE ON DRAFT ARTICLES ON FISHERIES
(A/AC.138/SC.II/L.38) SUBMITTED WITH CANADA, INDIA,
SRI LANKA, SENEGAL AND MADAGASCAR AS CO-SPONSORS.
ARTICLES WERE INTENDED TO BE PART OF EXCLUSIVE
ECONOMIC ZONE AND LIMITS WOULD CORRESPOND WITH THAT.
SOVEREIGN RIGHTS OF COASTAL STATE WOULD EXTEND OVER
FISHERIES IN ZONE; HOWEVER, ARTICLE ON ANADROMOUS
SPECIES WAS LEFT BLANK. COASTAL STATES COULD LICENSE

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FISHING AND VARIOUS PROVISIONS WERE INCLUDED FOR
LANDLOCKED STATES AND REGIONAL COOPERATION.

8. USSR REPLIED TO CHINESE BY ASSERTING THAT 500-METER

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ISOBATH WAS GENERALLY MUCH LESS THAN 200 MILES FOR SOVIET UNION. EXCEPTION EXISTED IN ONE AREA IN EASTERN SIBERIAN SEA WHICH WAS COVERED WITH THICK ICE AND WAS AT MAXIMUM DISTANCE OF 360 MILES.

9. INDIAN REP OPENED AFTERNOON SESSION EXPLAINING IMPORTANCE OF FISHERIES TO INDIA AND REASONS FOR SUPPORT OF FISHERIES DRAFT ARTICLES (PARA. 7 ABOVE). SRI LANKA DID LIKEWISE AND NOTED THAT COASTAL STATE RIGHTS WERE NOT LIMITED BY CATCH CAPACITY.

10. CANADIAN REP STATED THAT OTHERS COULD CATCH WHAT CANADIANS COULD NOT TAKE. HE ALSO STRESSED NEED FOR COASTAL STATE MANAGEMENT OF FISH (SALMON) WHICH MIGRATED BEYOND 200 MILES. HIS GOVERNMENT ALSO INTENDED TO WORK WITH ICNAF AND OTHER FISHERIES ORGANIZATIONS TO CONSERVE WORLD FISH STOCKS. CANADA WAS WILLING TO GO FURTHER ON ISSUE OF DISPUTE SETTLEMENT THAN WAS STATED IN DRAFT ARTICLES (PARA. 7 ABOVE) AND, WHILE NOT WILLING TO LITIGATE BASIC RIGHTS, WERE WILLING TO LITIGATE EXERCISE OF SUCH RIGHTS.

11. GREEK REP INTRODUCED DRAFT ARTICLE ON ISLANDS WHICH BASICALLY PROVIDES THAT ISLANDS BE TREATED AS ANY OTHER TERRITORY FOR TERRITORIAL SEA LIMITS AND, AS GENERAL RULE, FOR CONTINENTAL SHELF ENTITLEMENT.

12. CAMEROON REP SPOKE ON DRAFT ARTICLES (A/AC.138/SC.II/L.40) PROVIDING EXCLUSIVE ECONOMIC ZONE WHICH WERE BASED ON OAU DECLARATION. ALGERIA, GHANA, KENYA, LIBERIA, MADAGASCAR, MAURITIUS, SIERRA LEONE, SOMALIA, SUDAN, TUNISIA, TANZANIA, ZAIRE, SENEGAL AND IVORY COAST HAVE CO-SPONSORED. LIMITS OF TERRITORIAL SEA ARE LEFT BLANK BUT OUTER LIMIT OF 200 MILES IS SET FOR EXCLUSIVE ECONOMIC ZONE. RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT IS PROVIDED IN ZONE. COASTAL STATE WOULD HAVE JURISDICTIONAL COMPETENCE OVER RENEWABLE AND NON-RENEWABLE RESOURCES, MARINE POLLUTION AND SCIENTIFIC RESEARCH. REP CRITICIZED DRAFTING OF SOME ARTICLES

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IN TEXT SAYING THEY HAD BEEN HASTILY PUT TOGETHER AND WOULD BE MODIFIED LATER.

13. TANZANIAN REP EXPRESSED SUPPORT FOR EXCLUSIVE ECONOMIC ZONE ARTICLES (PARA. 12 ABOVE). HOWEVER,

MAJORITY OF SPEECH WAS OPPOSITION TO U.S. PROPOSED INTERNATIONAL STANDARDS IN SEABED ECONOMIC AREA. HE CRITICIZED COMPULSORY SETTLEMENT OF DISPUTES ON BASIS THAT STATES DO NOT USE SUCH MEANS AS PRACTICAL MATTER. HE FELT INTEGRITY OF INVESTMENT WAS INAPPROPRIATE ISSUE TO CONSIDER IN SEABED COMTE; MOREOVER SUCH A STANDARD WOULD INTERFERE WITH INTERNAL AFFAIRS OF STATES. REP ALSO DISCOURAGED RELIANCE ON SO-CALLED SCIENTIFIC FACTS. HE STATED THAT FOUR YEARS AGO HE HAD BEEN TOLD TANZANIA HAD NARROW SHELF BUT HE HAD RECENTLY LEARNED THAT SHELF EXTENDED OUT AS FAR AS 500 MILES. (REP MAY HAVE BEEN REFERRING TO CONTINENTAL MARGIN IN LATTER INSTANCE.)

14. SINGAPORE REP INTRODUCED DRAFT ARTICLES ON RESOURCE JURISDICTION OF COASTAL STATES BEYOND TERRITORIAL SEA WHICH IS CO-SPONSORED BY AFGHANISTAN, AUSTRIA, BELGIUM, BOLOVIA AND NEPAL. NO LIMITS ARE MENTIONED FOR ZONE IN WHICH COASTAL STATE WOULD HAVE RIGHT TO EXPLORE AND EXPLOIT ALL LIVING AND NON-LIVING RESOURCES. LANDLOCKED AND OTHER DISADVANTAGED STATES IN REGION WOULD PARTICIPATE ON EQUAL BASIS WITH COASTAL STATE REGARDING LIVING RESOURCES. REVENUES WOULD BE DISTRIBUTED FROM BOTH LIVING AND NON-LIVING RESOURCE EXPLOITATION BY INTERNATIONAL AUTHORITY. HOWEVER, FOR SEABED, DIFFERENT RATE WOULD APPLY FOR AREAS LESS THAN 200 METERS IN DEPTH OR 40 MILES FROM SHORE. PROVISIONS FOR COMPULSORY SETTLEMENT OF DISPUTES WERE ALSO INCLUDED.

15. NEPAL'S REP SPOKE IN SUPPORT OF ABOVE DRAFT ARTICLES. HE WAS PARTICULARLY OPPOSED TO ACQUIRED RIGHTS BASED ON 1958 CONVENTIONS WHICH HE CONSIDERED INEQUITABLE AND CONTRARY TO COMMON HERITAGE CONCEPT. LANDLOCKED STATES WERE AT PARTICULAR DISADVANTAGE

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AND PRESENT TREND OF DEBATE WAS TO ACCENTUATE GAP BETWEEN RICH AND POOR NATIONS.

16 INDONESIA REP THANKED ALL CO-SPONSORS AND SPEAKERS WHO HAD EXPRESSED SUPPORT FOR ARCHIPELAGO CO
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Message Attributes

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